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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-0581001/W35	3571
26162	7590	10/15/2010	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BROWN, VERNAL U	
		ART UNIT	PAPER NUMBER	
		2612		
		NOTIFICATION DATE		DELIVERY MODE
		10/15/2010		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/752,391	<b>Applicant(s)</b> ALLEN ET AL.
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 July 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 6-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9-12 is/are allowed.

6) Claim(s) 1-3,6 and 8 is/are rejected.

7) Claim(s) 2 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/GS-68)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This action is responsive to communication filed on July 02, 2009

### ***Response to Amendment***

The examiner acknowledges the amendment of claim 1.

### ***Response to Arguments***

The prosecution of this case is reopens because it was discovered that claim 7 depends on a canceled claim.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: Claim 7 depends on a cancelled claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. US Patent 6425129 in view of Ellis et al. US Patent 7185355.

Regarding claims 1 and 8, Sciammarella et al. teaches a method comprising: providing, to a user of a remote control device having a display, a graphical item representative (element 802 in figure 8A) of an indication of a value representative of a current preset

associated with the sound signal source (col. 8 lines 43-54) and providing the user with the option to change the current value to a new value (col. 8 lines 51-60). Sciammarella et al. teaches the CPU 30 accesses user settings and preferences for configuring the system for providing functionality including the channel preview functionality (col. 4 lines 26-27-35) but is not explicit in teaching pre-select the channels to be previewed. Ellis et al. in an analogous art teaches allowing a user to pre-select the channels that are of interest to the user (col. 1 lines 41-50).

It would have been obvious to one of ordinary skill in the art to modify the system of Sciammarella et al. as disclosed by Ellis et al. because allowing the current preset to be pre-selected by the user allows the user to view channels that are of interest to the user and provides a more convenient means of selecting the user's favorite channels.

Regarding claim 2, Sciammarella et al. teaches the presets is associated with a sound signal source in a multi-media system (col. 2 lines 44-50).

Regarding claim 3, Sciammarella et al. teaches multi-media system produces audio and video and therefore comprises an audio system (col. 3 lines 31-40).

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. US Patent 6425129 in view of Ellis et al. US Patent 7185355 and further in view of Obayashi et al. US Patent 5404579.

Regarding claim 6, Sciammarella et al teaches providing the user with an option to change the value of a preset (col. 8 lines 51-60) but is not explicit in teaching enabling a user to confirm the possible new preset value. Obayashi et al. in an art related invention in the same field of endeavor of remote control teaches allowing a user to confirm the data entered at the remote control in order to ensure that the correct control data was entered (col. 4 lines 22-24).

It would have been obvious to one of ordinary skill in the art to modify the system of Sciammarella et al. as disclosed by Obayashi et al. because allowing a user to confirm the data entered at the remote control ensure that the correct control data was entered for activating a desired function.

***Allowable Subject Matter***

Claims 9-12 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 9-12, the prior art of record fail to teach or suggests while the new value has been indicated and before the indication has been confirmed, To change an operation of another device in accordance with the indicated possible new value.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Primary Examiner, Art Unit 2612